



Governor Kim Reynolds
Lt. Governor Adam Gregg
San Wong, Director

JUVENILE JUSTICE ADVISORY COUNCIL

"To advocate for an effective, fair and equitable justice system for every Iowa youth."

MINUTES OF REGULAR MEETING

Google Meet
March 4, 2021

Present: Andrew Allen; Christy Burkhart; Hon. Susan Cox; Stephanie Hernandez; John Hirl; Chad Jensen; Jeremy Kaiser; Jacob Molitor; Alan Ostergren; Jennifer Tibbetts; Jeralyn Westercamp; Doug Wolfe

Staff: Steve Michael; Scott Musel; Kathy Nesteby; Jill Padgett; Kayla Powell; Jeff Regula; Julie Rinker; Kylie Spies

Others: Felicia Carter; LaTasha DeLoach; Lora Kracht; Wendy Leiker; Laurie Nash; Lyric Sellers; Endi Montalvo-Martinez; Vidya Iyer; Will Keck; Volta Adovor; Abby King; Alex Drahos

I. Call to Order & Introductions

Andrew Allen called the meeting to order at 10:01 a.m. Introductions were made. A quorum was not maintained throughout the meeting. Due to the COVID-19 pandemic and social distancing concerns, the meeting was held virtually via Google Meet.

II. Approve Minutes (September Retreat 2020 & December 2020)

Due to lack of quorum, the minutes were not approved.

III. Division & National Report

Steve Michael reported the following:

- SSB1109 is now SF357— This bill relates to compliance with a federal mandate regarding youth waived to adult court. These youth cannot be held in adult jails unless a district court rules otherwise. The bill passed out of the Senate Judiciary Committee and is on the debate calendar. One amendment changed the effective date from July 1 to December 8.
- HF409—This bill would eliminate the State of Iowa Youth Advisory Council. Michael did not think it would proceed.
- SSB1140—This bill includes recommendations from the Governor's FOCUS committee and addresses racial disparities and disparate treatment of minorities. Language includes penalty revisions for certain crimes and the inability to defund law enforcement. It requires that CJJP compile and analyze traffic stop data and submit a report.
- Grants—In addition to the Title II Formula grant, other grant applications relate to a five-year grant for girls. The grant would provide services and training for service providers. Separately, a five-year delinquency prevention grant would expand pre-charge diversion activities. An application deadline has not been posted for the latter.
- SAC grant—Some funds will be used for the decision-making matrix.
- Mid-Iowa Health Foundation—CJJP is applying for funding to support youth initiatives in CJJP/DHR.

- Juvenile Court Services (JCS)—There have been recent reports that a staff member in the 1st Judicial District embezzled funds. No CJJJ state or federal Formula funds are involved.
- Youth Action Squads—Two Youth Action Squads (YAS) have developed action plans on COVID-19 and Racial Justice. Presentations from each Squad will be conducted next Sunday and Tuesday evenings via Zoom. Members were invited to attend.

IV. Youth-Led Initiatives

Kayla Powell reported that YAS members were recruited based on their lived experiences with Racial Injustice or COVID-19. Each group was encouraged to identify problems, collect data, conduct research, and develop an action plan. Some guidance was provided with regard to training, leadership development, and community organizing activities. A financial stipend was provided for participation and completion of the program.

Lyric Sellers and Endi Montalvo-Martinez, Racial Justice Youth Action Squad members presented information and referenced accompanying handouts. These youth organized to reduce the school-to-prison pipeline for minority students.

- Des Moines Public Schools & School Resource Officers

Lyric Sellers and Endi Montalvo-Martinez both attend East High School in Des Moines. Their work focused on the Des Moines Public School District (DMPS), the school-to-prison pipeline and finding the root causes of problems. They wanted a restorative approach to the root causes of problems and move away from school resource officers (SROs) in their building who took a punitive approach which resulted in criminalizing black and brown students. While not many opportunities exist for youth voices to be liberated, through YAS they were able to elevate their concerns.

They identified that to end the school-to-prison pipeline, they determined that law enforcement needed to be removed from schools. Meetings were held with a Los Angeles school district that used restorative justice practices. They wanted to determine if that approach could work in Iowa. They solicited viewpoints from parents, staff and students, and met with middle and high school administrators.

Data from CJJJ identified racial inequities in school referrals to juvenile court by SROs, including removals and expulsions. School personnel data showed a lack of diversity in school staff/administration, social workers, and other professionals in the school district.

Meetings were held with school board members regarding restorative justice practices and removal of SROs. The restorative justice plan included relationship building, staff and student training, and the development of response teams in classrooms and hallways, as well as staff recruitment that reflects a diverse student body.

As a result of their efforts, the DMPS School Board voted to discontinue the SRO contract and implement restorative justice. District equity teams will assist with implementation, address concerns, and educate students and staff. The goal is to ensure that administrators and staff have the tools they need to avoid contacting police and work to solve problems between students or students and staff.

Allen and Kaiser applauded their efforts. Allen recommended they present information at the upcoming the Coalition for Juvenile Justice conference.

- **Webinar with Iowa Department of Education: Youth Engagement**

Kayla Powell noted youth engagement activities through the State of Iowa Youth Advisory Council (SIYAC) and the Iowa Youth Congress (IYC). Iowa is unique in having a codified youth council.

Powell introduced Vidya Iyer, Will Keck, Volta Adovor, Abby King, and Alex Drahos who shared information on the importance of youth voice, relationship building, restorative justice, diversity, and 'adulthood'. The information was presented during an Iowa Department of Education webinar. A video and related information were shared.

V. Wendy Leiker, State Training School Superintendent

Wendy Leiker provided information on her career prior to working at the Boys' State Training School (STS) last September.

She referenced the court ruling regarding youth at the STS. Efforts are underway regarding the use of restraints, confinement, healthcare and student record coordination. She noted challenges with facility upgrades, discharge planning, education, and programming.

Leiker commented on the importance of mental health services and identifying underlying issues and trauma. The STS utilizes services from YSS for Eye Movement Desensitization and Reprocessing (**EMDR**); mental health coordinators have been assigned to cottages. The latter helps build trust and establish relationships.

Tibbetts asked about equivalent services for girls. Leiker responded that although there was no additional funding in the budget, some conversations have been held with juvenile court services staff regarding housing girls on campus once facility upgrades have been completed.

Tibbetts encouraged Leiker to advocate for girls and asked to collaborate on conversations. She noted the various pathways girls enter the system and the need for services for deep-end girls. Lora Kracht offered assistance with healthy relationships, pregnancy prevention, and other issues related to youth.

Allen noted Aftercare services for youth exiting the STS. Those leaving on their 18th birthday are eligible for expanded services. Leiker added that she wants to ensure that all youth exiting the facility are ready and prepared for adult life.

Allen offered assistance from the Council as well as individual members.

VI. Title II Juvenile Justice Youth Development Allocation

- **Council Budget Report**

Scott Musel reported that there have been no new expenses since December. A balance of approximately \$29,000 remains.

- **Mitigating Racial and Gender Bias Training**

Kathy Nesteby reported that the above training was awarded to Girls Circle through funding approved at a previous JJAC meeting. Two trainings are planned and, depending upon the number of slots available, some may be open to the public. Information will be shared as plans are finalized.

- **Title II Judicial District Reports**

Musel reviewed a handout outlining FFY2021 funds awarded and expended by each judicial district from October 1 through December 31. He noted it was not unusual for more than half of the funds to be expended during the first three months of the federal fiscal year.

Chad Jensen provided information on changes to reimbursements under the Family First Prevention Services Act (FF). He reported that Iowa's plan was approved and Iowa began participating in January. Due to the pandemic, qualified reimbursements for services increased from 50% to 100%, however, funding from other sources cannot be blended. Judicial districts are reviewing other services and interventions that may be utilized.

- **CJJ Virtual Conference – June 9th – 11th, 2021**

Musel provided information on the Coalition for Juvenile Justice conference. The conference will be held virtually in June. Credits in the amount of \$290 remain from last year due to a reduction in registration fees because of the pandemic and the conference change from in-person to virtual. Jill Padgett will attend on behalf of CJJP. Musel reviewed the agenda and asked members to advise if they were interested in attending.

VII. Disproportionate Minority Contact Subcommittee: DMC Goals and Objectives

Padgett noted that the DMC goals were included in the meeting packet. These goals and objectives were coming from the DMC Subcommittee.

Hon. Susan Cox voiced concerns with the word 'advance' in Goal 1, Objective E "Advance the recommendations contained in the "Racial Disparities Three Decision Points" report with regards to pre-charge diversion, use of detention for technical probation violations, and waiver of youth to adult court."

Cox's concerns related to the use of detention for probation violations and thought the language would advance legislative changes and take away judicial discretion.

Michael responded that eliminating the use of detention for probation violations would require alternatives to detention prior to eliminating its use and that the wording was consistent with the Racial Disparities report which recommends creating alternatives to detention prior to implementation.

Cox thought we were going to look at this as a process and stay away from legislative changes and would like to have further conversation on what those alternatives would look like.

Padgett noted that the DMC Subcommittee did revisit the word 'advance' and the consensus was to leave the language as is because this is an activity to promote DMC issues.

LaTasha DeLoach, DMC Interim Chair, added that the DMC Subcommittee discussed concerns with language and determined that it is consistent with DMC goals to disrupt and dismantle disparities for kids of color.

Cox argued that there are kids under supervision who make unsafe decisions. If detention isn't available, these youth will go deeper into the system. Sending these youth to detention allows for a pause when the youth is not following through and could result in out-of-home placement.

DeLoach responded that JJAC members have a right to choose not to vote in favor and to ask questions. As a subcommittee, DMC members decided to stand firm and voted to send the goals and objectives back, as is.

Cox thought there would be unintended consequences of sending more kids to placement and was worried about systemwide issues. She provided an example of a young female who was a passenger in a vehicle speeding on the interstate at over 100 mph. Detention allows time to arrange for other services in the community.

Allen asked if there was a way to further discuss and find middle ground.

Michael responded that concerns were shared with and discussed by the DMC Subcommittee and they felt strongly to keep the recommendation as is. Juvenile Court Services (JCS) has requested, and CJJP has provided, a list of juvenile offenders who have been placed in detention for probation violations. JCS is reviewing the circumstances and plans to have further discussions. Michael underscored that there has to be additional alternatives for these youth while on probation and not use detention. The goal of probation is to maintain these youth in the community. Additional resources need to be available to provide community-based alternatives to detention and the subcommittee is saying they support this.

Chad Jensen added that JCS is close to finalizing a deep dive into the data to identify underlying reasons that contributed to multiple detention placements and will provide details when complete. In looking at the recommendations, if we were to have additional alternatives, there wouldn't be a need for detention for technical violators. But despite best efforts, there may be circumstances where detention is necessary. The recommendations state if you have the right alternatives in place, you won't need detention. He supports the effort to expand alternatives to detention, however, he thought there will still likely be circumstances that an alternative won't disrupt the need for detention where safety is concerned.

Michael added that other alternatives need to be available to handle short-term crises and that the data are showing this and the DMC agrees. He would like to identify what alternatives are necessary prior to determining that detention is the best thing for young people.

Allen asked Cox if there were no other alternatives beyond detention to detain a young person who is a threat to themselves or others.

Cox responded that there are so many resources—trackers, JCOs, therapy, but there still are cases where detention is essential, especially for youth who have been on the run for weeks and weeks. There are circumstances where even if we had alternatives available, youth will need to be detained for their safety. And, this takes away judicial discretion. She wants to avoid sending them to placement. She would like to compile what other resources are available and revisit discussion after three years of data are compiled.

Allen asked about non-probationers who are at risk to themselves or others, do judges have ways to protect them other than detention?

Cox responded that there are short-term holds through hospitals, however, due to lack of beds, youth are usually sent further away from home.

DeLoach understood the concerns, however, not enough has been done to disrupt disparity. "It took 30 years to have this report." Outside of a youth being a threat to the community, keeping kids safe by locking them up does not take into consideration mental health issues, harm, and trauma caused. A significant number of DMC members work with youth. Although it is strong language, from a DMC standpoint, not enough has been done that is strong enough to disrupt disparity. There are disparities in decision points throughout the juvenile justice system. It is up to the JJAC to vote and decide if they wish to move the recommendations forward. This is where we are, this is what we believe will be best for youth of color in the state of Iowa. While she was willing to further discuss the matter, she understands that people have different perspectives and respects that.

Cox thanked members for their comments and time.

The matter was not voted upon due to lack of quorum.

VIII. Iowa Task Force for Young Women Subcommittee: Gender Equity Goals and Objectives

Nestebly reported that there were no substantial changes to the Gender Equity goals and objectives. Due to lack of quorum, this item was not voted upon.

IX. Policy and Program Subcommittee: Other Priority Areas Goals and Objectives

Hernandez reviewed the remaining priority areas (Prevention & Intervention; Behavioral Health; and Transition of Youth) and reported that there were no major changes since the last meeting. The matter was not voted upon due to lack of quorum.

X. Special Projects (\$125,155)

- Juvenile Justice Youth Subcommittee - \$10,155
- Prevention Programming - \$11,000
- Girls Grant Support - \$52,000
- Delinquency Prevention Grant Support - \$52,000

Hernandez reviewed discussion from the January Policy & Programs Subcommittee meeting. During that meeting, the above special projects and related funding amounts were moved and approved. Due to lack of quorum, this item was not voted upon.

XI. Annual NYTD Survey Report

Kayla Powell reviewed the National Youth in Transition Database (NYTD) Annual Report on 17-year olds in foster care. A copy of the report was included in the handouts. She reviewed a variety of information on the data collected such as the number of participants, race, sex, education, employment/financial self-sufficiency, access to health care, homelessness, high-risk behaviors, and positive connections.

Of particular interest, was the information collected from the “Talking Wall”. That information surrounded concerns and suggestions from youth in out-of-home placement.

- Doug Wolfe and Allen congratulated Powell on the report, its contents, and the authenticity of youth comments captured in the Talking Wall.
- Wolfe noted that changes need to be made to Medicaid eligibility—youth in family/relative placement are not eligible, whereas youth who are placed in a facility are eligible. He thought these youth should have the same supports.
- Nesteby noted that the Iowa Task Force for Young Women is reviewing all Talking Wall comments related to girls. The Task Force hopes to incorporate some of those concerns into the curriculum currently being drafted.

XII. Current Activities (2017 – 2020 Three-Year Plan)

A. Priority One: Effective and Promising Practices

Padgett reported on reentry initiatives by the Juvenile ReEntry Task Force. Technical assistance is being provided on family engagement, intensive case management, and performance-based standards related to how/what data are collected from group care facilities. A meeting will be held next week and an update will be provided. A review of recidivism data is being conducted on youth exiting group care.

Nesteby reported that data collection continues regarding the decision-making matrix. The pandemic has slowed collection due to a reduction in juvenile court complaints. Work with the matrix has been included some grant funding.

Work with the Standardized Program Evaluation Protocol (SPEP) tool continues by evaluating services to provide continuous quality improvement through Juvenile Court Services. The results will be compiled this fall.

B. Priority Two: Mental Health, Substance Abuse, and Trauma

Allen reported that the Children's Behavioral Health System State Board met in February. Foundation 2 is embedding social workers in police departments. DHS and the Iowa Department of Public Health are working to integrate mental health and substance abuse. Funding for Integrated Health Homes was delayed. He noted that rates are not in favor of kids. Legislation enacted goes into effect July 1 relating to crisis stabilization.

Recently, the Marshalltown City Council approved a contract with YSS to embed social workers to assist law enforcement. The program launched on February 1. Two full-time mental health clinicians accompany police officers on calls to connect citizens to services and debrief following traumatic incidents. Twenty-six interactions occurred during the first month. The project has received positive comments from the Chief of Police and others.

C. Priority Three: Disproportionate Minority Contact

Padgett reported that pre-charge diversion and recidivism data are being tracked through local efforts. A group of African-American professionals was seated to discuss issues and concerns for black girls in the juvenile justice system and develop recommendations.

Other work includes a review of data and development of a report on deep-end boys.

D. Priority Four: Female Equity

Tibbetts reported that Kayla Powell presented information on the “Talking Wall” during the February meeting. The Iowa Task Force for Young Women has finalized their goals and objectives and are following proposed legislation to determine if action is needed.

Nestebly added that a report on girls who would have been eligible for placement in a state training school is being compiled. The report coincides with the report on deep-end boys.

E. Priority Five: Compliance Monitoring

Musel reported he has completed all compliance monitoring visits. Iowa is unique in that other states’ facilities refused on-site audits. No facility in Iowa prevented him from visiting. A set of COVID-prevention standards was developed for Iowa and this council provided personal protective equipment. The data show the lowest numbers in 25 years. The information will be submitted to OJJDP once a deadline is announced.

XIII. Unfinished Business—There was no unfinished business.

XIV. New Business

Wolfe noted the following proposed legislation:

- SF501—relates to juvenile sex offenders. The legislation would create a workgroup led by DHS to find alternative placement for youth.
- SF515—relates to reinstatement of parental rights for CINA youth
- SF473—relates to placement with family members, establishes a hierarchy of relative placement and requires justification when placement is not with a family member.

XV. Adjourn

Due to lack of quorum, a brief meeting will be scheduled before the June meeting to approve items requiring approval.

Allen noted the importance of attendance and requested attendance information. Musel responded that staff is working with the Governor’s office to appoint new members to replace members whose terms are expiring and those who have not regularly attended.

Allen thanked Director Wong for attending.

The meeting adjourned at 1:54 p.m.

Respectfully submitted,

Julie Rinker, Administrative Secretary
Div. of Criminal & Juvenile Justice Planning